

REMARKS/ARGUMENTS:

Claims 1-4, 6-9, and 11-15 are amended. Claims 1-16 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

INTERVIEW SUMMARY:

On February 3, 2010, Patent Agent Barry Shuman conducted a telephone interview with Examiner Sayed T. Zewari. During the interview, the parties discussed the Office Action dated October 15, 2009. Specifically, the cited reference Tsien and the limitations of the claims were discussed. No agreement was reached during the interview.

Applicant would like to thank Examiner Sayed T. Zewari for the courtesy of granting a telephone interview with Patent Agent Barry Shuman.

CLAIM REJECTION UNDER 35 U.S.C. § 103:

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida (U.S. Patent 6,745,049) in view of Hashem (U.S. Patent 6,701,129) and further in view of Tsien et al. (U.S. Patent Application Publication No. 2003/0166394). Applicant respectfully traverses this rejection as to amended claims 1-16.

With respect to independent claims 1, 6, 11, and 12, Applicant respectfully submits that the cited references fail to teach or suggest any of the following limitations:

i) a transmission rate notify section that notifies the wireless communication terminal of an initial uplink transmission resources information (claim 1)

ii) an obtain section that obtains the initial uplink transmission resources information (claim 1)

iii) an obtain section that obtains an initial uplink transmission resources information, notified from a wireless base station (claim 6)

iv) a transmission rate notify section that notifies the wireless communication terminal of an initial uplink transmission rate information (claim 11)

v) notifying the wireless communication terminal of an initial uplink transmission resources information (claim 12)

vi) obtaining the initial uplink transmission resources information (claim 12)

Apply notes that in Uchida, the base station does not notify the initial uplink transmission resources information. In addition, in Uchida, the communication terminal does not obtain the initial uplink transmission resources information.

With respect to independent claims 2, 7, and 13, Applicant respectfully submits that the cited references fail to teach or suggest any of the following limitations:

i) wherein the terminal transmission rate notify section notifies the wireless base station of the initial transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information (claims 2 and 7)

ii) wherein the wireless communication terminal notifies the wireless base station of the initial transmission rate when the wireless base station and the wireless communication terminal exchange their mutual state information (claim 13)

In light of the foregoing, Applicant respectfully submits that the cited references cannot render independent claims 1, 2, 6, 7, and 11-13 obvious, because

Appl. No. 10/538,262
Amdt. Dated March 15, 2010
Reply to Office Action of October 15, 2009

Attorney Docket No. 81887.0126
Customer No.: 26021

the cited references fail to teach or suggest each and every claim limitation. Claims 3-5, 8-10, and 14-16 depend from one of the independent claims, and therefore, cannot be rendered obvious for reasons discussed above. Withdrawal of this rejection is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310)785-4600 to discuss the steps necessary for placing the application in condition for allowance.

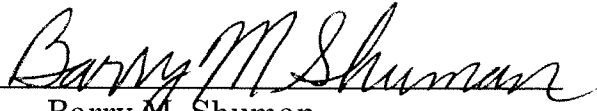
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: March 15, 2010

By:



Barry M. Shuman

Registration No. 50,220

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Telephone: 310-785-4600
Facsimile: 310-785-4601